

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**

36
comprises the step of providing a computer keyboard, and a computer keyboard overlay having a plurality of individual key-accommodating structures, each structure having at least a transparent upper surface to allow printed indicia on a key of the computer keyboard to be visible therethrough, and at least a portion of said transparent upper surfaces of the key-accommodating structures that correspond to alphabet keys of the computer keyboard having a lower-case letter positioned thereon in a non-interfering location relative to a position of the printed indicia on the alphabet key.

21. (Once Amended) The method of claim 19, wherein the step of providing a data entry device that displays both upper and lower case letters in association with one another comprises the step of applying transparent stickers having a lower-case letter displayed thereon to associated alphabet keys of a computer keyboard in a position such that both upper and lower case letters are displayed thereon.

REMARKS

Claims 1-23 were pending in this application. The Drawings, FIGs. 1a, 1b, 2a, 2b, have been amended to separately and properly label the enlarged partial views thereof. The specification has been amended to reflect the separate labeling of FIGs. 1a, 1b, 2a, and 2b as required by the Official Draftsperson. Claims 11, 18, 20, 22, and 23 have been cancelled without prejudice as indicated above. Claims 12-15, 19, and 21 have been amended, as indicated herein above. Claims 1-10, 12-17, 19, and 21 remain pending in this application, stand rejected, and are at issue herein. Reconsideration of claims 1-10, 12-17, 19, and 21 in view of the foregoing amendments and following remarks and indication of the allowability thereof are respectfully solicited.

The Official Draftsperson has objected to FIG. 2 as not separately and properly labeling the enlarged view contained therein. The Applicant has amended both figures 1 and 2 to conform to the drafting standards for enlarged views. As a result of the separate and proper labeling of these figures, the Applicant has amended the specification to properly refer to the

new figure numbers. No new matter has been added by these amendments. Reconsideration of this ground of objection and acceptance of FIGs. 1a, 1b, 2a, and 2b are respectfully solicited.

The Examiner has rejected claims 11, 13, 18 and 20 under 35 U.S.C. § 102(b) as being anticipated by Onozawa (JP 100183732A). The Applicant respectfully submits that this ground of rejection is moot in view of the cancellation of claims 11, 18, and 20, and in view of the amendment to claim 13. Reconsideration of this ground of rejection is therefore respectfully solicited.

The Examiner has also rejected claims 11, 13, 15, 18, 20, and 22-23 under 35 U.S.C. § 102(a) as being anticipated by Evans. The Applicant respectfully submits that this ground of rejection is moot with regard to claims 11, 18, 20, and 22-23 in view of the cancellation thereof. The Applicant respectfully traverses this ground of rejection with regard to claims 13 and 15 as amended. Reconsideration of claims 13 and 15 in view of the foregoing amendments and following remarks and indication of the allowability thereof are respectfully solicited.

As amended, independent claim 15 requires, *inter alia*, that the glyph of the upper case letter be positioned on the keys of the keyboard, and that the glyph of the lower case letter be positioned on a layer that is overlaid on the keys such that both the glyph of the upper case letter and the glyph of the lower case letter are visible. However, Evans teaches a computer keyboard overlay made from opaque material such that no indicia from the computer keys are visible therethrough. Specifically, Evans requires that the finger touch zones be "substantially opaque, such that the symbol on a respective underlying keyboard key or pad is not visible when the overlay is in place in register with the keyboard." Evans, page 3, lines 5-9. Further, Evans describes its keyboard overlay cover as "comprising a sheet of substantially flexible opaque plastic material molded to conform to the shape of an upper surface of the keyboard." Evans, page 4, lines 6-11. These requirements are completely contrary to the requirements of amended independent claim 15. As such, the Applicant respectfully submits that this ground of rejection is overcome. Reconsideration of this ground of rejection and indication of the allowance of claim 15 are therefore respectfully solicited. Furthermore, claim 13 has been amended to depend from independent claim 15, and is therefore believed to be in condition for allowance for the reasons just discussed.

The Examiner has also rejected claims 11, 15-16, and 18 under 35 U.S.C. § 102(b) as being anticipated by Education Technology News (ETN). The Applicant respectfully submits

that this ground of rejection is moot with respect to claims 11 and 18 in view of their cancellation, and is respectfully traversed with regard to claims 15-16. Reconsideration of this ground of rejection in view of the foregoing amendments and following remarks and indication of the allowability of claims 15 and 16 are respectfully solicited.

As discussed above, independent claim 15 requires that the glyph of the upper case letter be positioned on the keyboard keys and the glyph of the lower case letter be positioned on a layer that is overlaid on the keys. However, the ETN specifically describes that the keyboard conversion stickers "feature both upper and lower case letters." This requirement is contrary to the requirement of amended independent claim 15 which requires that the glyph of the upper case letter be on the keyboard keys and that the glyph of the lower case letter be on the layer that is overlaid on the keys such that both the upper case glyph from the keyboard and the lower case glyph from the layer are visible. As such, ETN cannot anticipate independent claim 16 nor any of the claims that are dependent thereon including claim 16. Reconsideration of this ground of rejection and indication of allowability of claims 15-16 are therefore respectfully solicited.

The Examiner has also rejected claims 1-7, 8-11, 15, and 17-20 under 35 U.S.C. (a) as being unpatentable over Nopper in view of Evans. The Applicant respectfully submits that this ground of rejection is moot with regard to claim 11, 18, and 20 in view of the cancellation thereof. Further, the Applicant respectfully traverses this ground of rejection with regard to claims 1-7, 8-10, 15, 17, and 19 in view of the foregoing amendments and following remarks. Reconsideration of this ground of rejection and indication of the allowability of claims 1-7, 8-10, 15, 17, and 19 in view of the foregoing amendments and following remarks are respectfully solicited.

Independent claims 1 requires, *inter alia*, that each structure of the keyboard overlay include "a transparent upper surface to allow printed indicia on a key of the keyboard to be visible through" and "a lower case letter positioned thereon in a non-interfering location relative to a position of the printed indicia on the alphabet key." However, Evans specifically requires that the keyboard overlay be "substantially opaque" and constructed from "a sheet of substantially flexible opaque plastic material..." The Applicant respectfully submits that this requirement specifically teaches away from the requirement of independent claim 1. A such, and since the Examiner must consider the Evans reference in its entirety, including disclosures that teach away from the claims, as specifically required by MPEP § 2141.02 (citing *W.L. Gorn*

Associates Inc. v Garlock Inc., 721 F.2d 1540, 220 U.S.P.Q. 303 (Fed. Cir. 1983)), the Applicant respectfully submits that this ground of rejection is improper and should be removed.

Furthermore, even assuming *arguendo*, that the proposed modification can be legally supported, this combination fails to teach all of the required limitations of independent claim 1. Specifically, Evans teaches and illustrates in FIG. 1 the placement of only lower case letters on the keyboard overlay, but does so in a large centered manner on each key such that this reference cannot be seen as teaching the requirement that the lower case letters be "positioned thereon in a non-interfering location relative to a position of the printed indicia on the alphabet key." As such, the Applicant respectfully submits that claims 1-10 are in condition for allowance, claims 2-10 being dependent on independent claim 1 and therefore believed to be allowable for the reasons discussed with regard thereto.

Additionally, neither Nopper nor Evans teaches, alone or in combination, the requirements of dependent claims 2-9 which require specific structural placement of the lower case letter and font style, as well as specific instruction of the keyboard overlay. The teaching for all of these requirements comes only from the Applicant's own disclosure and can be found nowhere in either of the cited references, alone or in combination. As such, the Examiner's contention that such required limitations would have been "an obvious choice of design" is not well taken. Specifically, the Applicant describes an advantage in the very paragraph cited by the Examiner claiming that no advantage is described. As described in the originally filed paragraph [0051] "in addition to the positioning of the font, the type of font may also provide benefits to the early learner. In many school districts and preschools, the font with which the children are taught for both reading and writing is known as both D'Nealian...other districts and preschools use a font known as Zaner-Bloser of manuscript... other fonts may be utilized by other schools, and preferably these same fonts are used in an embodiment of the present invention to fully integrate and reinforce the child's early learning." In view of this disclosed benefit, the Applicant respectfully submits that it is improper for the Examiner to claim that no advantage is described and that such choice is mere obvious design choice. Reconsideration and allowance of these claims are therefore respectfully solicited.

Similarly, the Applicant respectfully submits that claims 15, 17, and 19 are also not obvious in view of this combination because this combination is improper, and this combination fails to teach each and every requirement of these claims.

The Examiner has also rejected claims 12 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Evans. The Applicant respectfully submits that this ground of rejection is overcome in view of the amendment of claims 12 and 14 to make them dependent upon amended independent claim 15. Therefore, it is believed that claims 12 and 14 are allowable for the same reasons discussed above with regard to independent claim 15. Reconsideration and allowance of claims 12 and 14 in view of the foregoing amendments and remarks and indication of the allowability thereof are respectfully solicited.

The Examiner has also rejected claim 21 under 35 U.S.C. § 103(a) as being unpatentable over ETN. This ground of rejection is respectfully traversed for the reasons discussed above with regard to independent claim 19 and in view of the following remarks. Reconsideration and allowance of amended claim 21 are therefore respectfully solicited.

Claim 21 has been amended to make it dependent upon amended independent claim 19. Further, claim 21 requires the application of transparent stickers having a lower case letter displayed thereon to associated alphabet keys of a computer keyboard in a position such that both upper and lower case letters are displayed thereon. However, as discussed above with regard to ETN, the only teachings contained therein are for the placement of keyboard conversion stickers having both upper and lower case letters thereon. These stickers are not described as being transparent, and in view of the inclusion of both upper and lower case letters thereon, the Applicant respectfully submits that this ETN actually describes opaque stickers, not transparent stickers. Indeed, if the stickers described in ETH were transparent, they would likely provide more confusion since the underlying upper case letter would also be visible in addition to the upper case and lower case letters on the sticker. Any misalignment or placement of these characters would create interference with the underlying upper case letter on the computer key that would detract from the user experience. As such, the Applicant respectfully submits that ETN does not satisfy all the limitations of claim 21. Reconsideration of claim 21 as amended and indication of the allowance thereof are respectfully solicited.

In view of the above, the Applicant respectfully submits that claims 1-10, 12-17, 19, and 21 are in condition for allowance. Reconsideration of these claims and indication of their allowance at an early date are respectfully solicited.

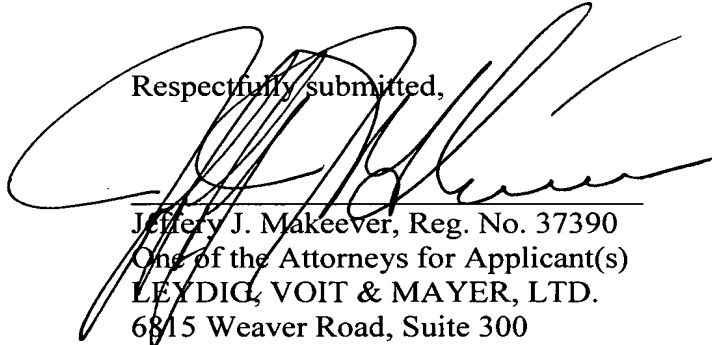
In re Appln. of: Schwarzkopf
Application No.: 09/920,676

If the Examiner believes that a telephone conversation will aid in the resolution of any issues not resolved herein, the Examiner is invited to contact the Applicant's attorney at the telephone number listed below.

CONCLUSION:

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

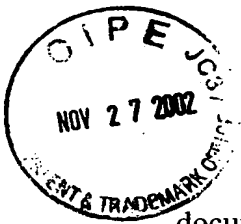
Respectfully submitted,

A large, stylized handwritten signature in black ink, likely belonging to Jeffrey J. Makeever, is written over the typed name and firm information.

Jeffery J. Makeever, Reg. No. 37390
One of the Attorneys for Applicant(s)
LEYDIG, VOIT & MAYER, LTD.
6815 Weaver Road, Suite 300
Rockford, Illinois 61114-8018
(815) 963-7661 (telephone)
(815) 963-7664 (facsimile)

Date: November 19, 2002

In re Appln. of: Schwarzkopf
Application No.: 09/920,676.



CERTIFICATE OF MAILING

I hereby certify that this RESPONSE TO OFFICE ACTION (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class mail in an envelope addressed to: Commissioner for Patents, BOX NON FEE AMENDMENT, Washington, D.C. 20231.

Date: November 19, 2002



RECEIVED
DEC - 2 2002
TECHNOLOGY CENTER R3700